

IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE  
 TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

STATE OF TENNESSEE, )  
*ex rel.* ROBERT E. COOPER, JR., )  
 ATTORNEY GENERAL and REPORTER, )

Plaintiff, )

v. )

HRC MEDICAL CENTERS, INC., )  
 a domestic corporation, *formerly* )  
*known as* HAIR RESTORATION )  
 CENTERS OF TENNESSEE, INC., *et al.* )

Defendants. )

JURY DEMAND

Case No. 12C4047

FILED  
 2014 MAR 17 PM 3:39  
 RICHARD R. ROGNER, CLERK

ORDER GRANTING REQUEST FOR INTERLOCUTORY APPEAL

By Order of this Court entered February 25, 2014, ("Denial of Dismissal Order") Defendant Dan Hale's Motion to Dismiss pursuant to Tenn. R. Civ. P. 12 was denied. In his Motion to Dismiss, Defendant Dan Hale stated that if his Motion to Dismiss was denied, he would alternatively "request an interlocutory appeal pursuant to T.R.C.P. Rule 9, upon Defendant's acknowledgement that the precise issue before the Court has not been previously addressed by any appellate opinion." Mot. to Dismiss, p. 15, para. III.D.

The legal criteria making the Denial of Dismissal Order appealable is the need to develop a uniform body of law because this precise issue has not been addressed by any appellate opinion. *Proctor v. Chattanooga Orthopedic Group, et al.*, 270 S.W.3d 56 (Tenn.

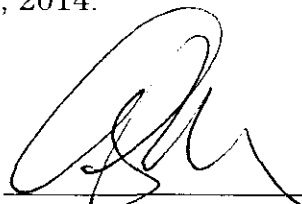
App. 2008) stated that while medical malpractice claims may not be re-cast as consumer protection claims, claims under the Tennessee Consumer Protection Act, Tenn. Code Ann. §§ 47-18-101 *et seq.*, may be brought against health care providers for entrepreneurial, business, and commercial practices. *Proctor*, 270 S.W.2d at 60-61. Defendant argues this case is a “healthcare liability action” within the context of the healthcare liability statute, Tenn. Code Ann. §§ 29-26-101-122 (2010 as amended), and that the Court does not possess subject matter jurisdiction because the State should have brought the case in conformity with the healthcare liability statute’s requirements. For the reasons set forth in the Order Denying Defendant Dan Hale’s Motion to Dismiss and accompanying Memorandum Opinion, this Court did not find that argument persuasive, but nevertheless grants Defendant Dan Hale’s request to pursue an interlocutory appeal because subject matter jurisdiction is necessary for this Court’s orders, including those concerning extraordinary relief.

For the foregoing reasons, Defendant Dan Hale’s request for an interlocutory appeal pursuant to Tenn. R. App. P. 9 is **GRANTED**.

Pursuant to Tenn. R. App. P. 9(f), this Order does not stay the proceedings before this Court.

**IT IS SO ORDERED.**

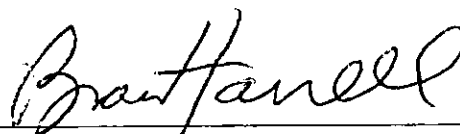
Entered this 17 day of March, 2014.

  
\_\_\_\_\_  
JUDGE AMANDA McGLENDON

Respectfully submitted:

**FOR THE STATE OF TENNESSEE:**

**ROBERT E. COOPER, JR.**  
Attorney General and Reporter  
B.P.R. No. 24470



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## CERTIFICATE OF SERVICE

On this the 7th day of March, 2014, I, Carolyn Smith, certify that the above-referenced document has been served on Defendants as follows:

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**\*\* Note:** By agreement, counsel for Midwest Restorative Health, LLC, and BioLifeCycle Medical Centers, LLC, Legacy Medical Centers, LLC, doing business as they have requested not to be served with additional filings following entry of their respective final orders or judgments.

  
**BRANT HARRELL**